

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR  
9004-1(b)**

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Case No. 18-26407-JKS  
Adv. No. 18-01538-JKS

Chapter: 11

Hearing Date: December 18, 2018

In Re:

Judge: John K. Sherwood

FRANCISCUS MARIA DARTEE,  
  
Debtor(s).

FRANCISCUS MARIA DARTEE,  
Plaintiff,

v.

THE BANK OF NEW YORK MELLON  
CORPORATION AS TRUSTEE FOR  
STRUCTURED ASSET MORTGAGE  
INVESTMENTS II INC. MORTGAGE PASS-  
THROUGH CERTIFICATES SERIES 2006-AR7,  
Defendant.

**NOTICE OF MOTION TO DIMISS PLAINTIFF'S ADVERSARY  
COMPLAINT WITH PREJUDICE**

The Bank of New York Mellon Corporation as Trustee for Structured Asset Mortgage Investments II Inc. Mortgage Pass-Through Certificates Series 2006-AR7 ("Movant") hereby moves this Court for dismissal of Plaintiff's Adversary Complaint with Prejudice for failure to state a claim, and for any additional relief as this Court deems just and necessary.

**Your rights may be affected.** You should read these papers carefully and discuss them with your attorney, if you have one on this case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant this motion, or if you want the court to consider your views on the motion, then within seven (7) days prior to the scheduled hearing, you or your attorney must:

File with the Court a written response or answer explaining your position, and mail a copy to:

Ashley L. Rose, Esq.  
Sandelands Eyet LLP  
1545 U.S. Highway 206, Suite 304  
Bedminster, NJ 07921  
*Attorney for Secured Creditor, Defendant*

Franciscus Dartee, *pro se*  
12 Moonshadow Court  
Kinnelon, NJ 07405  
*Debtor/Plaintiff*

Michael A. Artis, Esq.  
U.S. Department of Justice  
One Newark Center, Suite 2100  
Newark, NJ 07102  
*Counsel for United States Trustee*

If you mail your response to the Court for filing, you must mail it early enough so the Court will receive it by the date stated above.

**Hearing Scheduled To Be Held Before:**

Honorable John K. Sherwood  
Date: December 18, 2018  
Time: 10:00 am  
Place: 50 Walnut Street, Newark, NJ 07102, Courtroom: 3D

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting that relief.

By: /s/Ashley Rose  
Ashley Rose, Esq.  
SANDELANDS EYET LLP  
Attorneys for Secured Creditor

Dated: November 26, 2018